

Message Text

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ACTION EUR-12

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DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00
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NSF-01 OES-09 OMB-01 PA-01 PM-05 SP-02 SS-15
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TO SECSTATE WASHDC IMMEDIATE 8605

C O N F I D E N T I A L SECTION 01 OF 02 OTTAWA 04430

FOR DELIVERY TO EUR/CAN OPENING OF BUSINESS

E.O.11652: GDS
TAGS:EFIS, CA
SUBJECT: MARITIME BOUNDARIES NEGOTIATIONS: CANADIAN
-- OFFICIAL FEELS EARLY AGREEMENT STILL POSSIBLE

1. SUMMARY: DEPUTY CANADIAN NEGOTIATOR LORNE CLARK INDICATED TODAY THAT GOC WOULD PUBLISH EXPANDED EAST COAST BOUNDARY CLAIM THIS WEEK. CLARK WAS OPTIMISTIC THAT IMPETUS FROM THIS ACTION COULD LEAD TO AN EAST COAST FISHERIES DEAL BEFORE EXPIRATION OF THE 60-DAY LEGAL PERIOD REQUIRED BEFORE THE EXPANDED CLAIM COULD BE EFFECTIVE. ACTION REQUESTED: WE FEEL THAT AT A MINIMUM EMBASSY SHOULD IMMEDIATELY AND ON INSTRUCTION MAKE PLAIN TO EXTAFF MINISTER JAMIESON AND NOVA SCOTIA PREMIER REGAN THAT CANADIANS ARE BADLY MISREADING US SITUATION BELIEVING THAT PUBLICATION OF NEW CLAIM WILL MOVE US TOWARDS PROMPT SOLUTION OF FISHERIES OR ARBITRATION: APPROACHES SHOULD BE MADE EARLY TOMORROW SEPTEMBER 12. END SUMMARY.

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2. EMBOFFS MET SEPTEMBER 11 WITH LORNE CLARK (DEPUTY NEGOTIATOR, OFFICE OF NEGOTIATOR FOR MARITIME BOUNDARIES) TO DISCUSS OUTLOOK FOR US-CANADA BOUNDARIES/FISHERIES NEGOTIATIONS IN WAKE RECENT FAILURE ON WEST COAST FISHERIES PACKAGE. CLARK ELABORATED AT LENGTH ON HIS VIEWS AS TO DIRECTIONS TALKS WOULD NOW TAKE. HE WAS BASICALLY OPTIMISTIC THAT DEAL COULD STILL BE MADE IF DIS-

CUSSIONS WERE INTENSIFIED DURING NEXT FEW WEEKS WITH PRINCIPLE EMPHASIS GIVEN FIRST TO BOUNDARIES.

3. KEYSTONE TO SCENARIO OUTLINED BY CLARK WOULD BE AGREEMENT ON THREE BOUNDARIES PLUS ARBITRATION OF GULF OF MAINE LINE. OUTLINE OF AGREEMENT WOULD BE AS FOLLOWS: IN THE JUAN DE FUCA STRAIGHT, EQUIDISTANCE WOULD BE FOLLOWED SUBJECT TO SLIGHT MODIFICATION ("JOG") TO DEAL WITH SWIFTSURE BANK. AT THE DIXON ENTRANCE, 3-MILE TERRITORIAL SEAS WOULD BE ESTABLISHED AROUND TWO CAPEs WITH AB LINE CONTINUED OUT ALONG 54'-40 DEGREES. THE MOST DIFFICULT ASPECT WOULD BE THE BEAUFORT SEA BOUNDARY WHERE CANADIANS WOULD BE WILLING TO MEET A LARGE MEASURE OF U.S. CLAIM, ALTHOUGH STILL MAINTAINING A SLICE OF DISPUTED AREA. ACCORDING TO CLARK THIS WOULD INVOLVE A MAJOR CONCESSION ON PART OF GOC AND WOULD UNDOUBTEDLY PRESENT IT WITH MAJOR DIFFICULTIES IN DEFENDING THE OVERALL AGREEMENT IN PARLIAMENT. CLARK ASSERTED U.S. POSITION THAT ANY BOUNDARY DEAL MUST BE LINKED TO A FISHING DEAL "COULD NOT BE SUSTAINED". HE WAS CONVINCED THAT THE UNITED STATES COULD NOT RESIST A BOUNDARIES PROPOSAL AS DESCRIBED ABOVE WHICH WOULD PASS THE FOURTH ELEMENT, THE GULF OF MAINE LINE, TO THIRD COUNTRY ARBITRATION.

4. AGREEMENT ON THE BOUNDARIES PACKAGE WOULD OPEN THE WAY FOR EXTENSIVE TALKS ON EAST COAST FISHERY ITEMS.
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CLARK WAS OPTIMISTIC AGREEMENT ON THESE ISSUES COULD BE REACHED WITHIN THE 60-DAY PERIOD FOLLOWING PUBLICATION OF CANADA'S EXPANDED CLAIM IN FEDERAL GAZETTE. ACCORDING TO CLARK, IN RESPONSE TO PRESSURES FROM NOVA SCOTIA PREMIER REGAN, PUBLICATION OF EXPANDED CLAIM IN GAZETTE WOULD TAKE PLACE "BEFORE THE NOVA SCOTIA PROVINCIAL ELECTIONS", I.E. BEFORE THIS WEEK IS OUT. 60 DAYS MUST PASS BEFORE A CLAIM PUBLISHED IN THE GAZETTE CAN BECOME LEGALLY EFFECTIVE. CLARK SAW PUBLICATION AS ABETTING THE CONCILIATION PROCESS RATHER THAN SOURING IT AS EMBOFFS SUGGESTED IT WOULD. PROSPECT OF POSSIBLE ENFORCEMENT ACTION AGAINST CANADIAN SHIPS IN AREA OF EXPANDED CLAIM DID NOT BOTHER CLARK, AS HE FELT SEIZURE OF CANADIAN BOATS WOULD TEND TO STRENGTHEN CANADIAN CLAIM BEFORE INTERNATIONAL TRIBUNAL.

5. CLARK DENIED THAT EAST COAST CANADIAN FISHERMEN MIGHT BE HURTING FROM CURRENT BAN ON RECIPROCAL FISHING BUT FELT, ON THE CONTRARY, CURRENT SITUATION WAS WORKING DEFINITE HARDSHIP WITHIN U.S. EAST COAST FISHING COMMUNITY. FOR EXAMPLE, THE LARGE-VESSEL U.S. REDFISH FLEET, CURRENTLY EXCLUDED FROM TRADITIONAL NOVA SCOTIA FISHERY, WAS

ELBOWING OUT SMALLER U.S. FISHING BOATS ON GEORGES BANK. COMPLAINTS OF THE LATTER WOULD BE HEARD SOON. THE BASIC PROBLEM ON EAST COAST BOILS DOWN TO HERRING. CLARK PREDICTED THAT THE DIVIDED ATTITUDE OF THE U.S. HERRING CONSTITUENCY WOULD LIKELY CHANGE IN THE NEAR FUTURE AS THE RESULT OF TWO DEVELOPMENTS: 1) AN INCREASED CANADIAN EFFORT ON HERRING, AND 2) IMMINENT ADOPTION OF CANADIAN REGULATIONS WHICH WOULD DRY UP THE SUPPLY FOR U.S. PROCESSORS OF HERRING FROM THE "HERRING TRANSFER" (I.E., HERRING CAUGHT BY CANADIAN VESSELS AND SOLD TO U.S. PROCESSORS). THIS ACTION WOULD HAVE A GREAT IMPACT ON A PARTICULAR U.S. PROCESSOR (UNNAMED) WHO WAS SPLITTING THE HERRING CONSTITUENCY BECAUSE OF HIS PRIVILEGED ACCESS TO

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C O N F I D E N T I A L SECTION 02 OF 02 OTTAWA 04430

CANADIAN-CAUGHT HERRING. CLARK SAID THAT, IF HERRING TURNED OUT TO BE THE SINGLE ISSUE SEPARATING THE U.S. AND CANADA ON AN EAST COAST FISHERIES AGREEMENT, THE GOC WOULD AGREE TO A SHORT TERM DEAL ON THAT STOCK PENDING ARBITRATION OF THE GULF MAINE BOUNDARY, AFTER WHICH TIME THE TWO COUNTRIES WOULD FISH HERRING ON THEIR OWN SIDES OF THE LINE.

6. ACCORDING TO CLARK'S TIMETABLE, A WEST COAST FISHERIES DEAL WOULD BE THE LAST PIECE TO FALL INTO PLACE. ON THAT COAST HERRING AND ACCESS TO SOUTHEAST ALASKA STOCKS REMAIN THE MAJOR STUMBLING BLOCKS. CLARK NOTED THAT AMBASSADOR CUTLER WOULD BE MEETING WITH GOVERNOR HAMMOND THIS WEEK AND FELT MOVEMENT ON WEST COAST FISHERIES AND THE BEAUFORT SEA WOULD DEPEND TO A GREAT

EXTENT ON THE OUTCOME OF THAT MEETING. ENDERS

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